

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

EDUARDO MENJIVAR, NANA I AM,) No. CV 15-7976 FMO (AS)
Plaintiffs,)
v.) **ORDER TO SHOW CAUSE RE LACK OF**
WELLS FARGO BANK NA, et al.,) **PROSECUTION**
Defendants.)
_____)

On October 9, 2015, Plaintiffs Eduardo Menjivar and Nana I Am filed a pro se Complaint pursuant to various federal and state laws, including 42 U.S.C. §§ 1981, 1983 and 1985. (Docket Entry No. 1). Plaintiffs named as Defendants: (1) Wells Fargo Bank, NA; (2) Genesis Capital Master Fund III, LLC; (3) Regional Trustee Service Corporation; (4) East End Properties, Inc.; (5) Daniel Argento, an individual associated with East End Properties, Inc.; (6) the Los Angeles Police Department; and (7) "All Persons Claiming Any Legal or Equitable Right, Title, Estate, Lien, or Interest in the Property Described in the Complaint Adverse to Plaintiff's Title, or Any Cloud

1 On Plaintiff's Title Thereto." (Id. at 1, 7-8).¹ Plaintiffs also
2 named ten Doe defendants. (Id. at 1, 9). Plaintiffs alleged that
3 Defendants had publicly recorded fraudulent documents purporting to
4 convey to Defendants title to or an interest in Plaintiffs' real
5 property. (Id. at 10).

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7 Several of the claims in the Complaint were not cognizable as
8 pled and, on April 28, 2016, the Court issued an order identifying
9 the Complaint's deficiencies and dismissing the Complaint with leave
10 to amend. (Docket Entry No. 8). A First Amended Complaint was due
11 May 31, 2016.²

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13 To date, Plaintiffs have failed to file a First Amended
14 Complaint or communicate with the Court in any way. Accordingly,
15 Plaintiffs are ORDERED TO SHOW CAUSE, in writing, no later than
16 **Friday, July 22, 2016**, why this action should not be dismissed with
17 prejudice for failure to prosecute and failure to obey a court order.
18 This Order will be discharged upon the filing of a First Amended
19 Complaint that cures the deficiencies in the last pleading, or upon
20 the filing of a declaration under penalty of perjury stating why
21 Plaintiffs are unable to file a First Amended Complaint.

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24 ¹ For ease of reference, the Court cites the Complaint and its
25 attached exhibits as though they constitute one continuously
paginated document.

26 ² A First Amended Complaint was due within 30 days of the
27 Court's order of dismissal. (Docket Entry No. 8 at 11-12). Because
28 the deadline set by the order fell on a Saturday, and May 30, 2016
was Memorial Day, a First Amended Complaint was due May 31, 2016.
See Fed. R. Civ. P. 6(a)(1)(C).

1 If Plaintiffs no longer wish to pursue this action, they may
2 request a voluntary dismissal pursuant to Federal Rule of Civil
3 Procedure 41(a). A notice of dismissal form is attached for
4 Plaintiffs' convenience. Plaintiffs are warned that a failure to
5 timely respond to this Order will result in a recommendation that
6 this action be dismissed with prejudice under Federal Rule of Civil
7 Procedure 41(b) for failure to prosecute and obey court orders.

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9 IT IS SO ORDERED.

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11 Dated: July 1, 2016.

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13 /s/
14 ALKA SAGAR
United States Magistrate Judge
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